



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF: :

MILLER, MIKE :

EXAMINER Douglas D. Watts

SERIAL NO. 10/020,739 :

GROUP ART UNIT 3724

FILED: 12/18/01 :

FOR: IMPROVED UNIVERSAL FORK

RESPONSE AND COMMENTS REGARDING THE NEW FINAL OFFICE ACTION

I. Overview

It is argued that the claims have been previously rewritten as necessary to achieve allowance of claim 8.

Significant limitations were added to claim 8 in prior responses, as a result of the Examiner noting that Claim 8 would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claim. (Office Action dated 3-20-2003). Claim 8 was amended, and was subsequently allowed in the first Final Office Action. The present Office Action, referred to as the "Second" Final Action now cites Gagnon et al. D387,956 as prior art which denies the present claim 8.

II. Argument refuting revised final action.

Applicant would note that claim 8 continues to refer to a fork having inner tines and outer tines. This is clearly not unique. However, the claim language referring to the inner tines having "angled sharpened ends" is also clearly described and shown in Figure 8 in the application, in which the sharpened, or "modified" points are shown, and these are not anticipated by prior art. The entire purpose of the sharpened ends to allow them to break off under stress, so as to